

LAW LIBRARY OF CONGRESS  
RIGHTS OF PEOPLE WITH DISABILITIES  
THE NETHERLANDS

*SUMMARY*

In July 2002, the Dutch parliament commenced the approval process for the **Bill on Equal Treatment of People with a Handicap or Chronic Illness** ("Bill") which will amend present legislation when it becomes effective in 2003. The Bill will increase present rights of the disabled in the areas of vocational training, employment, and public transportation. In addition, parliament is considering yet another amendment covering the areas of access to public buildings, to services, and housing. when adopted, the amended Bill will create an ADA-like protection against discrimination based on disabilities. At the present time, the provisions of the **Law on the Integration of Persons Disabled to Perform Work 1998**, as amended still govern. The Dutch welfare system provides an extensive safety net for the disabled, particularly with respect to rehabilitation.

**Scope of Coverage.**

Present legislation as extended by future amendments are primarily designed to ensure equal opportunities for the disabled in employment and vocational training, including accommodation, as well as access to transportation and means of telecommunication. In particular, present and future law covers:

- All employers;
- Equal employment opportunity in all phases of employment and employment quotas;
- Education and vocational training;
- Accommodations in employment and services;
- Financial assistance for the disabled to finance additional costs and equipment;
- Financial incentives for employers to accommodate the disabled at the work place;
- barrier-free access to buildings and means of transportation;
- access to means of telecommunication;
- Departmental responsibilities;
- Enforcement.

**Legislative Objective.**

The Law is intended to enable persons with disabilities to participate in the work life by:

- Removing organizational obstacles and promote integration;
- Offering necessary financial assistance and defraying costs for accommodations;
- Providing equal opportunities; and
- Coordinate all public programs into an extensive safety net.

In its final amended form, the present, mostly social welfare law will have completed its

transition to **civil rights legislation**.

### **Public Policy Implementation.**

Coordination and implementation of public programs and laws are the responsibility of

- The Ministry of Social Affairs and Employment;
- The Ministry of education, Culture, and Science;
- The Ministry of Transport, Public works and Water Management;
- The Ministry of Public Housing, Physical Planning and the Environment.

Starting in 2003, the **Committee on Equal Treatment** will oversee compliance with the provisions of the amended Bill.

### **Enforcement and Remedies.**

Future complaints of discrimination may be filed with the **Committee on Equal Treatment**, with appeal to the court. Presently, litigation seems to be the only legal recourse.

### **Affirmative Defenses.**

The amended Bill will allow the following affirmative defenses:

- The challenged disparate treatment is necessary ensure safety and health;
- The challenged disparate treatment is based on a rule, norm, or practice intended to benefit the disabled;
- The challenged preferential treatment is to remedy prior discriminatory effects.